

VICTOR M. SHER (SBN 96197)
vic@sheredling.com
MATTHEW K. EDLING (SBN 250940)
matt@sheredling.com
ADAM M. SHAPIRO (SBN 267429)
adam@sheredling.com
MARTIN D. QUIÑONES (SBN 293318)
marty@sheredling.com
TIMOTHY R. SLOANE (SBN 292864)
tim@sheredling.com
SHER EDLING LLP
100 Montgomery St., Suite 1410
San Francisco, CA 94104
Tel: (628) 231-2500
Fax: (628) 231-2929

*Attorneys for Plaintiffs ALISU INVESTMENTS, LTD,
and KARGO GROUP GP, LLC*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

ALISU INVESTMENTS, LTD. and
KARGO GROUP GP, LLC,

Plaintiffs,

v.

TRIMAS CORPORATION d/b/a/ NI
INDUSTRIES, INC., BRADFORD
WHITE CORPORATION, LUPPE
RIDGWAY LUPPEN, PAULA BUSCH
LUPPEN, METAL PRODUCTS
ENGINEERING, DEUTSCH/SDL,
LTD., RHEEM MANUFACTURING
COMPANY, and INFINITY
HOLDINGS, LLC,

Defendants.

AND ALL COUNTERCLAIMS

Case No. 2:16-CV-00686 MWF (PJWx)

Honorable Michael W. Fitzgerald

**DECLARATION OF MARTIN D.
QUINONES IN SUPPORT OF
PLAINTIFFS' MOTION TO
MODIFY PRE-TRIAL
SCHEDULING ORDER**

Date: May 6, 2019

Time: 10:00 AM

Judge: Hon. Michael W. Fitzgerald

Jury Trial: February 4, 2020

1 I, Martin D. Quiñones, declare as follows:

2 1. I am an attorney duly admitted to practice before all courts of the State
3 of California and in the United States District Court for the Central District of
4 California. I am an Associate in the law firm of Sher Edling LLP, attorneys for
5 Plaintiffs Alisu Investments, Ltd. and Kargo Group GP, LLC (collectively
6 “Plaintiffs”). I submit this Declaration in support of Plaintiffs’ Motion to Modify
7 Pre-Trial Scheduling Order. I have personal knowledge of the facts set forth below,
8 and if called upon to testify, I could and would competently testify to them.

9 2. Plaintiffs’ counsel met and conferred with counsel for all Defendants
10 concerning the relief requested in Plaintiffs’ Motion to Modify Pre-Trial Scheduling
11 Order, between March 15, 2019, and April 2, 2019. Defendant Bradford White Corp.
12 indicated that it did not oppose the requested relief. Defendants Luppe Luppen, Paula
13 Luppen, Metal Products Engineering (collectively the “Luppen Defendants”);
14 Infinity Holdings, LLC; and TriMas Corp. indicated they opposed the requested
15 relief. Defendants Rheem Manufacturing Co. and Deutsch/SDL, Ltd., indicated that
16 they had not formed a position on the requested relief.

17 3. Attached hereto as **Exhibit 1** is a true and correct copy of the Voluntary
18 Cleanup Agreement, in the matter of 4901 South Boyle Avenue, Vernon, California
19 90058, Docket No. HAS VCA 15/16-160, filed with the State of California,
20 Environmental Protection Agency, Department of Toxic Substances Control
21 (“DTSC”), executed August 1, 2016. This document is available electronically via
22 DTSC’s EnviroStor website at the following URL:

23 [https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=600](https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=60002375&enforcement_id=60410736)
24 [02375&enforcement_id=60410736](https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=60002375&enforcement_id=60410736)

25 4. Attached hereto as **Exhibit 2** is a true and correct copy of a letter from
26 Folashade Simpson of DTSC to Plaintiffs regarding the Review of Responses to
27 DTSC Comments and Supplemental Groundwater, Soil Gas and Former Building 2
28 Removal Workplan (EAI, December 14, 2016) for 4901 South Boyle Avenue, dated

1 March 10, 2017. This document is available electronically via DTSC's EnviroStor
2 website at the following URL:

3 [https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=600](https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=60002375&doc_id=60421397)
4 [02375&doc_id=60421397](https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=60002375&doc_id=60421397)

5 5. Attached hereto as **Exhibit 3** is a true and correct copy of an email chain
6 between Folashade Simpson of DTSC and Steve Bright of Environmental Audit,
7 Inc. ("EAI"), among others, with the subject line "Re: Proposed Revised Off-Site
8 Well Locations – 4901 S. Boyle Avenue, Vernon" with the most recent email in the
9 chain dated April 6, 2017.

10 6. Attached hereto as **Exhibit 4** is a true and correct copy of the text
11 portion of the Groundwater Monitoring Well/Nested Soil Vapor Probes MW-4/SVP-
12 4, MW-5/SVP-5, and MW-7/SVP-7 Installation Report for 4901 S. Boyle Avenue,
13 Vernon CA 90058, dated November 28, 2017, which EAI submitted to DTSC on or
14 about that date. The full report has been produced to all parties in discovery and can
15 be made available to the court on request.

16 7. Attached hereto as **Exhibit 5** is a true and correct copy of the text
17 portion of a report titled Supplemental Site Assessment II prepared for Plaintiffs by
18 EAI, dated October 18, 2018, which EAI submitted to DTSC on or about that date.
19 The full report has been produced to all parties in discovery and can be made
20 available to the court on request.

21 8. Attached hereto as **Exhibit 6** is a true and correct copy of a letter from
22 Brian Beltz and Steve Bright of EAI to Michael Haynes of South Coast Air Quality
23 Management District ("AQMD"), regarding Notice to Comply, dated February
24 28, 2018.

25 9. Attached hereto as **Exhibit 7** is a true and correct copy of a letter from
26 Folashade Simpson of DTSC to Aliza Guren of Alisu Investments, Ltd., regarding
27 Approval of Windrow Characterization Report for 4901 S. Boyle Avenue, Vernon
28 (Site Code 301759) dated February 15, 2019. This document is available

1 electronically via DTSC's EnviroStor website at the following URL:

2 [https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=600](https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=60002375&doc_id=60456302)
3 [02375&doc_id=60456302](https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=60002375&doc_id=60456302)

4 10. Attached hereto as **Exhibit 8** is a true and correct copy of a letter from
5 Steve Bright and Brian Beltz of EAI to Folashade Simpson of DTSC and Michael
6 Haynes of AQMD, with the subject line "Revised Request to Knock Down Windrow
7 Soil Stockpiles," 4901 S. Boyle Avenue, Vernon, CA 90058, dated February
8 21, 2019.

9 11. Attached hereto as **Exhibit 9** is a true and correct copy of the text
10 portion of a report titled Supplemental Site Assessment III, prepared for Plaintiffs
11 by EAI dated October 19, 2018, which EAI submitted to DTSC on or about that date.
12 The full report has been produced to all parties in discovery, and can be made
13 available to the court on request.

14 12. Attached hereto as **Exhibit 10** is a true and correct copy of an email
15 from Folashade Simpson to Steve Bright with the subject line "Second Semi-Annual
16 2018 Groundwater Monitor Report" with an attachment titled DTSC "Comments on
17 EAI's Second Semi Annual GW Monitoring Report 10-25-18," dated October
18 26, 2018.

19 13. Attached hereto as **Exhibit 11** is a true and correct copy of a letter from
20 Brian Beltz to Folashade Simpson regarding Supplemental Site Assessment III Work
21 Plan Addendum 4901 South Boyle Avenue, Vernon, CA 90049, dated November
22 30, 2018.

23 14. Attached hereto as **Exhibit 12** is a true and correct copy of an email
24 chain between Steve Bright of EAI and Folashade Simpson of DTSC, among others,
25 with the subject line "DTSC Comments on SSAII. SSAIII Workplan and SSAIII
26 Workplan Addendum" with an attachment titled "DTSC Comments on SSAII
27 Report, SSAIII Workplan and SSAIII Workplan Addendum 2-12-16," with the most
28 recent email chain dated February 12, 2019.

15. Attached hereto as **Exhibit 13** is a true and correct copy of an email from Folashade Simpson of DTSC to Steve Bright of EAI with the subject line “SSA II, SSA III Workplan and SSAIII Workplan Addendum,” dated March 1, 2019. This document is available electronically via DTSC’s EnviroStor website at the following URL:

https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=60002375&doc_id=60452981

16. Attached hereto as **Exhibit 14** is a true and correct copy of an email chain between Steve Bright of EAI and Folashade Simpson of DTSC, among others, with the subject line “Update 7 on Status of Work Efforts—4901 S. Boyle Ave., Vernon”, with the most recent email chain dated March 15, 2019.

17. Attached hereto as **Exhibit 15** is a true and correct copy of a document titled Amendment to Voluntary Cleanup Agreement, in the matter of 4901 South Boyle Avenue, Vernon, California 90058, Docket No. HAS VCA 15/16-160, filed with the State of California, Environmental Protection Agency, Department of Toxic Substances Control (“DTSC”). This document is available electronically via DTSC’s EnviroStor website at the following URL:

https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=60002375&enforcement_id=60454742

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that I executed this Declaration on April 2, 2019, at San Francisco, California.

MARTIN D. QUIÑONES